CIVIL DOCKET

BARR⊖₩ BOHANON

Tract No. 451M

UNITED STATES DISTRICT COURT Jury demand date: 8-26-69 (by deft)

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
USA	For plaintiff: Hubert A. Marlow
vs	
79.95 Acres of Land, More or less, Situate in Rogers County, State of Oklahoma, and June Collins, et al, and Unknown Owners	
	For defendant: Thomas A. Landrith, Jr. (Intern.Equip.) 203 Thurston Natl. Bldg. Tulsa, Okla. 74103
	McKeever, Glasser, McKeever & Conrad 1002 Broadway Tower Enid, Okla. 73701 (for Fell estate)
	Loeffler & Allen (McMillan) P. O. Box 567 Bristow, Okla. 74010

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STATISTICAL RECORD	COSTS		DATE	name or receipt no.	REC.	DISB,
J.S. 5 mailed 8-/	Clerk		1 969 -26-7 -27-7	l Landrith l C.D.No. 5	5 00	5 00
J.S. 6 mailed 5-/-7/	Marshal					
Basis of Action: Condemnation of land in Oologah Dam						
Action arose at:	Depositions					
Rogers Co.						

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-23-69	Complaint filed, ds	
7-23-69	Declaration of taking, filed. ds	
7-23-69	Motion for order for delivery of possession, filed. ds	
7-23-69	Notice, filed. ds	
7-28-69	Order for delivery of possession, filed. (Luther Bohanon - Judge) b	
8-13-69	Return on service of writ, filed. Served Board of County Commission	ers
	by serving Charles Alton; County Treasurer by serving Loy C. Boyd &	
	County Assessor by serving Felitha Jeanguenat all in Claremore, Okla on 8-12-69. (Fees: \$24.72)m	
8-19-69	Return on Service of writ filed. Served H.M. McMillan at Tulsa, Okl	
0-13-03	on 8-15-69. h	d. •
8-19-69	Return on Service of writ filed. Served International Equipment Lea	sing
~ ~ , ~ ,	Corp. by serving Brooks Gutelius as Chairman at Tulsa, Okla. on 8-15	-69.h
8-21-69	Return on Service of writ filed. Served Mozelle C. Hill, Jno. W. Ni	chols
-	and Marcella H. Godfrey all at Okla. City on 8-12-69; Served Elizabe	th
	Fell Oven, 8-13-69 at Enid Okla.; Served M.G. Jenson at Nowata. Okla	
	on 8-19-69; Served Louise Pugh at Anadardo, Okla. on 8-12-69; Served	
0 00 00	W.V. Pound at Ardmore, Okla. on 8-15-69.h	
8-26-69	Request for trial by jury by deft International Equipment Leasing	
8-26-69	Corp, filed. m	
0-20-09	Appearance, answer and cross-complaint of International Equipment Leasing Corp., filed. m	
8-26-69	Return on service of writ filed. Served Okla. Tax Comm at Okla. Cit	
	Okla. on 8-11-69. h	У,
3-27-69	Disclaimer of State of Okla. ex rel. Okla. Tax Commission, filed. m	
8-27-69	Return on service of writ, filed. Served Georgia S. Fell (Deceased)	
	by serving sister Elizabeth Cummins in Ardmore. Okla. on 8-22-69.	
8-29-69		kla.
0 17 60	on 8-11-69. h	
9-17-69	Return on summons, filed. Wiserved Frances Fell Kirkpatrick because un	www.
10-9-69	able to locate on 994-69. m Notice of entry of appearance of H. M. McMillan, filed. m	
10-21-69	Notice of appearance of Frances Fell Malone, Elizabeth Fell Cummins	
10-21-09	and the Estate of Georgie S. Fell, deceased, filed. m	
8-6-70	Certificate for service by publication, Tract No. 451M, filed. v	
8-28-70	Certificate of publication and mailing, filed. ds (Tract No. 451M)	
	Case set for pre-trial Monday 9-28-70 at 9:30 a.m. (LB-J)m	
9-17-70 9-28-70	Pre-trial hearing held. By agreement of parties case is assigned to	
	a Commission & pltf. to prepare order appointing Commissioners. Mr.	
	Landrith requests consolidation of 69-C-173,69-C-174,69-C-175 &	
10-13-70	69-C-176 & Court directs Commission to rule on this. (LB-J)m Order appointing Commissioners Morris Bradford, Chairman; William	
10-13-10	Kendall and Cecil L. Hunt, filed. (LB-J)m (copies mailed Commissione	ne)
10-14-70	Case set for trial before Commissioners, 9:30 A.M. Nov. 3, 1970. g	1.12 /
10-14-70	Pltf's motion for instructions with brief in support, filed. m	costa la de
1-4-70	Objection to order appointing commissioners and brief in support, fi	led. ds
1-10-70	Oath of office of commissioners, filed. ds	
	Report of Commissioners, filed. Notices mailed. g 3-5-71	-
	Claim of Commissioners, filed. g	
3-8-71	Order for payment to commissioners, filed. (LB-J)m	,
3-9-71	Motion of defts. for enlargement of time in which to file objections	
2 10 73	to findings of commissioners and brief in support thereof, filed. m	
3-10-71	Order denying motion for enlargement of time to file objections to	
3-10-71	findings of commissioners (part of above motion). (LB-J)m Objections of govt. to report of commissioners as to working interest	st.
) - 1 V - (1	with brief in support, filed. m	
	and the second that the second of the second	

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-15-71 3-17-71	Findings and determinations of Commission, filed. g(cpies mailed) Objection of International Equipment Leasing Corp. to report of	
3-17-71	commissioner, filed. m Objections of defts. Lillie Benbow and Ossie Mae Lary to report of commissioners, filed. m	
3-17-71	Brief of defts, Inter, Equipment Leasing Corp, Lillie Benbow and Oss	ie
3-22-71	Mae Lary in support of objections to report of commissioners, filed. Plaintiff's response to the objection of International Equipment Leasing Corp., filed. g	74.
3-22-71	Plaintiff's response to objections of defendants Lillie Benbow and Ossie Mae Lary to report of commissioners, filed, g	
4-6-71	Case called for hearing on objections of govt. to report of commissioners as to working interest, objection of International Equipment Leasing Corp. to report of commissioners and objections of de-	-
	fendants Lillie Benbow and Ossie Mae Lary to report of commissioner Court takes all objections under advisement and will enter an order Govt. announces intention of appeal & Court announces that it will do everything possible to expedite handling of appeal. (LB-J)m	
4-6-71	Judgment, filed and entered, that objections to report of commission filed by govt. and defendants are overruled and report of commission is approved; that royalty owners recover judgment in Tr. 451M again USA in sum of \$2,294.00; that royalty owners in Tr. 453M recover	ners
	judgment against USA in sum of \$1,425.00; that royalty owners in Tr 454M recover judgment against USA in sum of \$598.00; that working interest owners in all 4 tracts recover judgment against USA in sum of \$14.339.00; that overriding royalty interest on all 4 tracts	
4-13-71	the sum of \$826.00. (LBrJ)m (copies mailed) Final judgment, filed and entered, that report of commissioners file 3-3-71 is approved; deficiency ordered deposited in the Registry of Court to be disbursed as per order. (LB-J)m	ed .
4-15-71	Final judgment as to lessor (royalty) interest only, filed and entere that land is condemned and certain deficiencies in amt. of \$840.00 be deposited and Clerk is directed to disburse said funds.(LB=J)m	d,
4-15-71	Final judgment as to overriding royalty interest only, filed and entered. (LB-J)m	
5-26-71	Notice of appeal by International Equipment Leasing Corporation, filed. cpy sent to USCA & US Atty. g	
5-26-71 6-4-71	Bond on appeal, filed. (Aetna Casualty & Surety Co.)g	
6-24-71	Notice of cross appeal by USA, filed. cpy to USCA & Tom Landrith.g Application of Internat. Equip. Leasing Corp. for extendion of time for transmission of the record, filed. m	
6-28-71	Order extending time for transmitting record on appeal to 8-24-71, filed. (LB-J)m (for Intern. Equip. Leasing Co.) (cpy to USCA, Marlow	
7-1-71	& Landrith) Stipulation for consolidation of appeals (with 69-C-174, 175 & 176)	<u>.</u>
7-9-71	Application of USA, Cross-appellant, for extension of time to 8-24-71 to docket appeal, filed. g	
7-13-71	Order extending time for transmitting record on appeal to 8-24-71, filed. (LB-J)m (copies to USCA & Landrith)	
7-28-71	Consolidation of cases for appeal approved by Court. (Endorsed on stipulation)(LB-J)g	**
8-18-71 8-19-71	Transcript of proceedings before Commissioners, filed (file copy onl	У
8-20-71	in 1 vol.)g Appeal record (5 vols.) sent to USCA. g	
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DATE		PR	OCEEDINGS		Date Order or Judgment Noted
6-12-72	Mandate & Opinion of USCA, lOth Circuit, affirming judgments of Apr. 15, 1971, filed and spread of record. g Appeal record rec'd. from USCA. g				
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